

City of Taylorsville
Planning Commission Meeting
Minutes
Tuesday – May 10, 2005 – 7:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Angelo Calacino, Chair
Blaine Smith
Ted Jensen
Aimee Newton
Kristie Overson
Phil Hallstrom
Joan Rushton-Carlson
Excused: Dama Barbour

Community Development Staff

Mark McGrath, Director
Michael Maloy, City Planner
Nick Norris, City Planner
Dan Udall, City Planner
Jean Gallegos, Secretary/Recorder

PUBLIC: Carolyn Anderson, Terri Christopherson, Ronald White, A. Phillips, Dennis Hansen, Peggy Hansen, Eugene L. Rich, Devin Cox, Bo Atkins, Mary Jane Vanderlinden, Ted Vanderlinden, Jack Lucas, Karina Medina, Connie Colter, Larry Fort, Gary Penrose, Gary Jeppsen, Chet Nichols, Steve Hawes, Ben Brubaker, Don Johnson, Michael Stout, Tracey Stout, Kristine Taylor, Art Pasker, Brooke Smith, Fred Abernathy, Leatasina Falatea, Hal Walton, Margaret Player, David Sperry, Karen Ascebe.

WELCOME: [19:01:22](#) **Commissioner Calacino** welcomed those present, explained the procedures to be followed this evening and opened the meeting at 7:00 p.m.

CONSENT AGENDA

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1. 14H05 **Larry Fort, 6258 South Westbrook Drive** – Home Occupation Class C – Massage Therapy
(Nick Norris/City Planner)
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1.1 **Mr. Norris** oriented the Planning Commission in the pre-meeting by advising that this is a request to operate a massage therapy office from this home. There would be one or two customers per day and the proposed hours of operation are 8:00 a.m. to 5:00 p.m., Monday through Sunday. **Staff recommends approval with the following conditions:**

- 1.1.1 The applicant receives approval and remains compliant with all applicable reviewing agencies.
 - 1.1.2 The applicant adheres to and remains compliant with Taylorsville Ordinances 13.57.050 Operational Requirements and 13.57.056 Specific Operational Requirements – Class C Home Occupation.
 - 1.1.3 The hours of operation are from 8:00 a.m. to 5:00 p.m., Monday through Sunday.
 - 1.1.4 All customer visits are made by appointment only with at least 30 minutes between appointments.
 - 1.1.5 The off-street parking area be kept clear and available to customers during the hours of operation.
 - 1.1.6 The address is clearly visible from the street. Numbers shall be at least 4 inches in height and be a different color than the color of the house.
 - 1.1.7 That only a name plate sign, attached to the main building and no larger than 3 square feet be allowed.
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1.1.8 The conditional use permit is reviewed upon substantiated or unresolved complaint.

1.2 Applicant was present. No one asked to speak to this issue.

By motion of Commissioner Rushton-Carlson, Item #2 was removed from the Consent Agenda as there were citizens wishing to speak to the issue. It will be heard as a regular application at the end of the Consent Agenda but will remain in numeric order in the Minutes.

19:06:54

2. 15H05 **Carolyn Anderson, 6508 South Andes Way** - Home Occupation Class C – Massage Therapy (Nick Norris/City Planner)

2.1 **Mr. Norris** oriented the Planning Commission in the pre-meeting by advising that this is a request for a massage therapy home occupation for three to four customers per day. Proposed hours of operation are 9:00 a.m. to 6:00 p.m., Monday through Saturday. **Staff recommends approval subject to the following conditions:**

2.1.1 The applicant receives approval and remains compliant with all applicable reviewing agencies.

2.1.2 The applicant adheres to and remains compliant with Taylorsville Ordinances 13.57.050 Operational Requirements and 13.57.056 Specific Operational Requirements – Class C Home Occupation.

2.1.3 The hours of operation are from 9:00 a.m. to 6:00 p.m., Monday through Saturday.

2.1.4 All customer visits are made by appointment only, with at least 30 minutes between appointments.

2.1.5 The off-street parking area be kept clear and available to customers during the hours of operation.

2.1.6 The address is clearly visible from the street. Numbers shall be at least 4 inches in height and be a different color than the color of the house.

2.1.7 That only a name plate sign, attached to the main building and no larger than 3 square feet be allowed.

2.1.8 The conditional use permit is reviewed upon substantiated or unresolved complaint.

2.2 **APPLICANT: Carolyn Anderson.** 19:10:17 **Mrs. Anderson** advised she was under the impression that there were no restrictions on home occupations in Ivory Highlands as long as it is approved by appropriate authority. That approval includes not only the State of Utah and City licensing but also approval from the Home Owner's Association. The vehicles would be limited to one at a time, to park on the R.V. pad set up for this use. No delivery trucks will be involved in this use.

2.3 **SPEAKING: 19:07:56 Ron White (Lives in Ivory Highlands).** **Mr. White** said that he had just recently moved into Ivory Highlands and one incentive to do so was there wasn't a lot of traffic. He was under the impression that the CC&R's for the subdivision precluded home occupations involving customers coming to the homes. He strongly objected to increasing the amount of traffic in and out of the neighborhood and was opposed to this use. For the same reason he objected to the application being reviewed under Item #8 for children's choir lessons.

2.4 **DISCUSSION:**

2.4.1 19:10:17 **Mr. McGrath** advised that enforcement of CC&R's is the responsibility of the Home Owner's Association and the City does not get involved in those types of issues.

2.4.2 19:11:29 **Commissioner Newton** wanted to clarify the CC&R issue. She lives in Ivory Highlands and originally the Home Owner's Association would not allow customers to the home. That policy changed last year and is now allowed as long as parking is adequate.

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- 2.5 **MOTION: 19:12:23 Commissioner Overson** – I move that we approve File 15H05, application for massage therapy. This is based on the findings of fact indicated in the Staff report and also so that the public knows that one of the conditions is that the conditional use permit is reviewed upon substantiated or unresolved complaints. That is included in Staff's recommendations. I think that this application would be an appropriate use in this subdivision inasmuch as it will generate very few cars and there is a place on site for the vehicle to be parked

SECOND: 19:13:19 Commissioner Hallstrom.

VOTE:	<u>Commissioner Overson</u>	AYE	<u>Commissioner Hallstrom</u>	AYE
	<u>Commissioner Newton</u>	AYE	<u>Commissioner Smith</u>	AYE
	<u>Commissioner Jensen</u>	AYE	<u>Commissioner Rushton-Carlson</u>	AYE

3. 19H05 **Connie Colter, 4882 South 2475 West** - Home Occupation Class C – Scissor Sharpening Business. (Nick Norris/City Planner)
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3.1 **Mr. Maloy** oriented the Planning Commission in the pre-meeting by advising that this is a request to operate a business sharpening scissors and other cutting instruments in the home, which is in an R-1-7 Single Family Residential Zone. The proposed hours of operation are from 8:00 a.m. to 5:00 p.m., presumably Monday through Friday. **Staff recommends approval with the following conditions:**

3.1.1 Receive approval from and remain compliant with all applicable reviewing departments and agencies of the City (i.e., City Building Official, Fire Marshall, Business Licensing, etc.).

3.1.2 Applicant must comply with all applicable regulations for a Home Occupation Class C permit (13.57.050 and 056).

3.1.3 Hours of operation shall be limited to Monday through Friday from 8:00 a.m. to 5:00 p.m.

3.2 Applicant was present. No one asked to speak to this issue.

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4. 8S05 **Hawes, Brubaker, Neider, LLC, 4541 South Atherton Drive** – 2-Lot Commercial Subdivision. (Dan Udall and Michael Maloy/City Planners)
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4.1 **Mr. Maloy** oriented the Planning Commission in the pre-meeting advising that this is a request for a 2-Lot Subdivision. The lot on the northeast side is proposed to be .928 acre and the other parcel is proposed to be 2.071 acres. The proposed retail building will be located on the .928 acre lot and the office building on the 2.071 acre lot.

4.1.1 **Staff recommends approval of the preliminary conditional use application with the following findings:**

1. The proposed project with conditions meets the current general plan.
2. The proposed project with conditions meets the zoning and subdivision ordinances.

4.1.2 **Staff recommends that the preliminary subdivision be approved subject to the following conditions:**

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That the subdivision receives final plat approval from City Staff.
3. That the subdivision is recorded by plat and that the plat complies with City Ordinance 12.16.010.
4. That any subdivision amendments proposed after the initial recordation are reviewed and approved by the Planning Commission. The amendment must then be recorded.

4.2 Applicant was present. No one asked to speak to this issue.

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5. **Minutes:** Review and approval of Planning Commission meeting minutes for March 22 and April 12, 2005.
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MOTION FOR CONSENT AGENDA: 19:06:04 Commissioner Rushton-Carlson - I would move for approval of the Consent Agenda, Items 1, 3, 4 and 5, with the requirements that Staff put forth on those.

SECOND: Commissioner Overson

VOTE: Commissioner Overson – AYE, Commissioner Hallstrom - AYE, Commissioner Newton – AYE, Commissioner Smith – AYE, Commissioner Jensen – AYE, Commissioner Rushton-Carlson – AYE. Motion passes unanimously.

HOME OCCUPATIONS

19:13:59

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6. 16H05 Leatasina Falatea, 3327 West Bitterroot Drive – Home Occupation Class D2 – Child Day Care. (Nick Norris/City Planner)
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6.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is requesting to operate a family day care for up to seven children each day. The proposed hours of operation are 6:30 a.m. to 6:00 p.m., Monday through Friday. **Staff recommends approval of the application subject to the following conditions:**

- 6.1.1 The applicant receives approval and remains compliant with all applicable reviewing agencies.
- 6.1.2 The applicant adheres to and remains compliant with Taylorsville Ordinances 13.57.050 Operational Requirements and 13.57.057 Specific Operational Requirements – Class D Home Occupation.
- 6.1.3 The hours of operation are from 6:30 a.m. to 6:00 p.m., Monday through Friday.
- 6.1.4 The outdoor play area cannot be used earlier than 8:00 a.m.
- 6.1.5 No more than eight children, including the caregiver's own children under six and not yet in full day school, attend the day care.
- 6.1.6 The child drop off area be located in the driveway and that a safe means for the children to access the dwelling be provided.
- 6.1.7 The day care not detract from the residential character of the dwelling.
- 6.1.8 That only a name plate sign, attached to the main building and no larger than three square feet be allowed.
- 6.1.9 The conditional use permit is reviewed upon substantiated or unresolved complaint.

- 6.2 **APPLICANT ADDRESS:** Not present.

- 6.3 **SPEAKING:** None.

- 6.4 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION**

- 6.4 **MOTION #1:** Commissioner Rushton-Carlson - I would move to continue this application in order to get feedback from the neighbors. 19:15:33
SECOND: Commissioner Overson
DISCUSSION: Mr. Norris commented that he had received no adverse comments from the neighbors and wondered if this application was being confused with another one. Commissioner Rushton-Carlson advised that she would then withdraw her motion. Commissioner Overson said that she still would like to talk to the applicant because there are still apparent traffic issues.
MOTION #2: Commissioner Overson - 19:16:50 I will make a motion to continue this application to the next meeting in two weeks, which is a work session, to allow the applicant to be in attendance.

SECOND: Commissioner Newton.

VOTE: Commissioner Overson AYE Commissioner Hallstrom AYE
Commissioner Newton AYE Commissioner Smith AYE
Commissioner Jensen – AYE Commissioner Rushton-Carlson AYE
Motion passes unanimously

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7. 17H05 **Mrs. Karina Medina, 2290 West 5320 South** – Home Occupation Class D2 - Family
Child Care Business. (Michael Maloy/City Planner)
-

19:17:29

7.1 **Mr. Maloy** oriented on the site plan, aerial map and images. The applicant has requested permission to provide day care services for up to eight children, including a daughter of hers and a nephew who are under the age of six and not yet in day school. The residence is located on an interior parcel in an R-1-7 single family residential zone. The brick rambler has a two-car garage with a triple-wide driveway. The rear yard is partially enclosed by a six foot fence along the perimeter, however, additional fencing would be required if the application is approved. **Staff recommends approval subject to the following conditions:**

1. No more than eight children may be cared for at the home, which includes the caregiver's own children under the age of six years old and not in school full time.
2. Applicant must maintain compliant with operational requirements for a Class D2 Home Occupation as per City Code 13.57.050 and 13.57.057.
3. Prior to final approval, applicant must install six foot tall fencing within both side yards to fully enclose and secure the rear yard play space.
4. Hours of operation will be limited to 7:00 a.m. to 5:00 p.m., Monday through Friday.
5. Applicant will schedule "drop-off" and "pick-up" of children to ensure adequate availability of driveway space for patrons of the day care business.

7.2 **APPLICANT ADDRESS:** **Karina Medina** was present. Commissioners expressed concerns about neighbors being in opposition due to traffic and cars parking on the street. Mrs. Medina said the only time there is a problem is on the weekends when people visit them. Commissioners informed her that any vehicles which are part of the home occupation must be on the driveway and not on the street. 19:22:59

7.3 **SPEAKING:** No one was present to speak, however, Commissioner Calacino advised that two E-Mails had been received by Staff in opposition (One from Margery Dalton and the other was anonymous). 19:23:13

7.4 **DISCUSSION:** None.

7.5 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION**

MOTION: 19:23:41 Commissioner Hallstrom - As to the traffic issues, I think that in view of the proximity to 2200 West and the fact that the road appears to be 60' wide, which is a better situation than on many that have been brought before the Commission in a similar situation and in view of the fact that there seems to be an understanding as to why there are extra cars parked there on the weekend. While that may cause consternation to the neighbors, it would not affect the operation of this home occupation. Therefore I would move for approval in accordance with staff recommendations.

SECOND: 19:24:30 Commissioner Newton

VOTE: Commissioner Overson AYE Commissioner Hallstrom AYE
Commissioner Newton AYE Commissioner Smith AYE
Commissioner Jensen AYE Commissioner Rushton-Carlson AYE
Motion passes unanimously

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8. 18H05 **Brook Smith, 6418 South Timpanogos Way** – Home Occupation Class C
Children's Choir Lessons. (Nick Norris/City Planner)
-

19:24:50

8.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is requesting permission to teach children's choir lessons. There would be two sessions per day, with children 4-9 years old in one session and children 9-13 years old in another. The sessions would be held on Mondays, Tuesdays and Wednesdays during the hours of 12:00 p.m. to 5:00 p.m. Sessions would last approximately one hour each. The applicant has asked for flexibility with the time frame so she can schedule the sessions for other times if a conflict arises. **Staff recommends approval subject to the following conditions:**

1. The applicant receives approval and remains compliant with all applicable reviewing agencies.
2. The applicant adheres to and remains compliant with Taylorsville Ordinances 13.57.050 Operational Requirements and 13.57.056 Specific Operational Requirements – Class C Home Occupation.
3. There is no more than two sessions per day and no more than eight children per session coming to the home.
4. The hours of operation are 12:00 p.m. to 5:00 p.m., Monday, Tuesday and Wednesday. (Needs clarification from applicant).
5. **[Changed by Motion]** There is at least ~~30 minutes~~ **a one hour break** between the end of the first session and the start of the second session.
6. The home occupation does not detract from the residential character of the dwelling and the residential neighborhood.
7. That only one name plate sign, attached to the main building and no larger than three square feet be allowed.
8. The conditional use permit is reviewed upon substantiated or unresolved complaint.

8.2 **APPLICANT ADDRESS:** [19:26:40](#) **Brooke Smith was present.** **Ms. Smith** advised that she plans to operate this business two days a week for about eight students. The reason there was a question about Monday was in respect to the LDS community because they have been requested not have activities on Monday, however, she thought she would ask the parents if that day was open perhaps if the lessons were conducted earlier in the day it would work. Monday would be a good day for Ms. Smith because it would not interact with any other lessons. She advised the proposed hours of operation were to fulfill the application requirements. She would be teaching with a one or two hour break in between classes. That would be student-driven as to their preference **Commissioner Hallstrom** said he was still confused about the days of operation. **Ms. Smith** advised said that if there is a lot of opposition on holding classes on Monday, then the operation would be Tuesday-Wednesday or Tuesday & Thursday but her preference would be Monday-Tuesday. **Commissioner Hallstrom** suggested she propose the operation for three days, then it would cover any of those combinations, to which she agreed. [19:28:37](#). **Ms. Smith** continued that she was going through both the City of Taylorsville and the Home Owner's Association for approval. **Commissioner Rushton-Carlson** asked if at least some of the students would be within walking distance and **Ms. Smith** replied would probably would be the case, however, did not know if parents would be comfortable allowing their children to walk to these classes.

8.3 **SPEAKING:**

8.3.1 [19:30:35](#) **Kristine Taylor** (Lives in Ivory Highlands). She advised she was fine with the applicant running this business and apologized to Mr. White (See Agenda Item #2 for his comments) for him having been mis-lead in anyway. When they were in the process of building, she felt that some things were said that were not quite right as far as how the neighborhood was going to be set up. She personally had no problem with the business in the neighborhood and that actually there are a number of businesses already in operation within the neighborhood.

8.3.2 [19:31:44](#) **Ronald White.** **Mr. White** reiterated his previous comments (Item #2). He said that it was not so much traffic for this particular home occupation but for delivery trucks coming and going in the neighborhood. He advised that he had read previous minutes for past year and a half and only counted three or four businesses that were actually granted licenses through the Commission. During conversations with Steve Carpenter (Property Manager), he was informed that he was adamantly opposed and was willing to address that issue in the form of a letter outlining his view to the Commission. Mr. White was very opposed to the amount of traffic already in the neighborhood but felt that with the hour session in between it may be different and be acceptable.

8.4 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION**

- 8.5 **MOTION:** [19:33:37 Commissioner Hallstrom](#) - I don't think traffic is an issue and we have been assured by the applicant that she doesn't intend to have more than eight cars at a maximum per session and it is very possible that they would be coming with friends or walking in the neighborhood. That is not an objectionable amount of traffic. Therefore, I would move for approval in accordance with Staff recommendations
SECOND: [Commissioner Overson](#)
DISCUSSION: [Commissioner Rushton-Carlson](#) - I would like to add the stipulation that sessions will not be concurrent and there needs to be at least an hour in between the two sessions. [Commissioner Newton](#) - Condition #5 says that there is at least 30 minutes between the end of the first session and the start of the second. [Commissioner Rushton-Carlson](#) - However, the applicant just said there would probably be between one and two hours break in between. [19:34:50 Commissioner Hallstrom](#) - It is certainly acceptable to me to place a one hour break between rather than a half hour. [Commissioner Calacino](#) - There is an amendment to the motion to require the break between sessions to be one hour minimum. The author of the motion is okay with that. [Commissioner Jensen](#) - Is the second okay with that amendment? [Commissioner Overson](#) - Yes. [Commissioner Calacino](#) - Then we have a motion to approve with Staff recommendations, changing #5 to have at least a one hour break in between sessions rather than one half hour.
VOTE: [Commissioner Overson](#) AYE [Commissioner Hallstrom](#) AYE
[Commissioner Newton](#) AYE [Commissioner Smith](#) AYE
[Commissioner Jensen](#) AYE [Commissioner Rushton-Carlson](#) AYE
Motion passes unanimously

ZONE CHANGES

9. 2Z05 **Mr. Jack Lucas (Developer), 1276, 1286 and 1290 West Winchester Street; 6615, 6647 and 6657 South 1300 West** – Recommendation to the City Council to Amend the Zoning Map from R-1-6 and A-5 to R-M. (Michael Maloy/City Planner)

[19:36:27](#)

9.1 **Mr. Maloy** advised that the purpose for this request is to facilitate future residential condominium or town-house development. Based on the City Council's unanimous decision during their meeting held April 6, 2005, to adopt Ordinance 05-17, which amended the General Plan Map for the subject property from low density to high density residential, Staff recommends approval of Zoning Amendment Application #2Z05.

9.2 **APPLICANT ADDRESS:** **Jack Lucas** was present. [19:41:05](#) He felt the development will benefit the community and one of his goals was to address citizen's concern. He was aware of their concern over possible loss of their view and of the issues with water, sewer and storm drainage. As it sits now, the parcel is a blighted area and these proposed units will be individually owned and not rental apartments, which should help increase property values for the area as a whole. [Commissioner Calacino](#) reminded Mr. Lucas to focus on the rezone issue at this time. [19:43:46 Mr. Lucas](#) said the parcel is currently surrounded by high density and he intends to put in a quality, aesthetically pleasing development.

9.3 **SPEAKING:**

- [19:45:17 Michael Stout, 1462 W. 6235 South.](#) Mr. Stout's concern was with traffic and impact of high density. He felt that at some point in time, there is going to be so much traffic on 6235 South that it will need to be widened. He was against the current trend to rezone land in Taylorsville from agricultural use to high density. He would prefer single family homes there on 10 to 15 thousand square foot lots. He doubted the developer's comment that these will remain owner-occupied and said that it didn't usually last very long until these type units were leased out by the owners as income property.
- [19:49:21 Terri Christopher](#) was in agreement with Mr. Stout reference the current traffic problems. She advised that there was sufficient high density housing in the area and if this subdivision is allowed, it will significantly increase the crime rate in the City.
- [19:50:55 Hal Walton, 6624 S. 1300 W.](#) **Mr. Walton** advised that he obtained a copy of the E-Mail that the City Council received which apparently influenced their vote and disputed the comment that it would not be feasible to build low density on this site. There is a similar development in the immediate vicinity which is low density and has been completely sold out. On the sewer problem, the pumps will work provided there is not another power

outage. He also asked to see the traffic studies that apparently were made. His feeling was that the proposal for high density was merely to make more money for the developer.

9.4 **DISCUSSION:** [19:52:20 Commissioner Newton](#) asked the Chairman to clarify for the citizens exactly how this process works. [Commissioner Calacino 19:52:37](#) complied by saying that the Planning Commission just makes recommendations to the City Council on zone changes. Several months ago, the Commission made a recommendation on a General Plan amendment to reclassify this area as high density housing. The General Plan is an envisionary document for the City, and the Planning Commission several months ago sent a revised version to the City Council for adoption. Since that time, several General Plan amendment changes have been requested, with varying results before the Planning Commission. The General Plan amendment for this particular property was sent to the City Council with a recommendation by the Planning Commission for denial, however, the City Council chose to approve it. The next stage is for the Planning Commission is to review the conditional use permit when the developer submits it. [19:55:22 Mr. Maloy](#) added that at that point in time the engineering traffic study would be required. Another point he made was that the traffic study may not support that high of density.

9.5 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION.**

MOTION: [19:56:53 Commissioner Newton](#) - Based on the City Council's unanimous decision to adopt the ordinance which amended the General Plan map for subject property from low density to high density, I would recommend approval of the zoning amendment in order to be congruent with the General Plan that has already been changed.

SECOND: [Commissioner Hallstrom](#)

VOTE:	Commissioner Overson	AYE	Commissioner Hallstrom	AYE
	Commissioner Newton	AYE	Commissioner Smith	AYE
	Commissioner Jensen	NAY	Commissioner Rushton-Carlson	AYE

Motion passes 5 to 1.

COMMENTS: [Commissioner Newton](#) explained to the citizens that just because the zoning has been approved, doesn't necessarily mean the Commission agrees with site plan – simply that the zone has been changed. Also that the citizens can still be heard on this issue during the public hearing before the City Council. [19:57:44 Commissioner Jensen](#) explained his NAY vote by saying he felt the City Council had ignored the desires of the people and their previous commitments to them.

10. 4Z05 **Mr. Jack Lucas (Developer), 1590 West 6235 South** – Recommendation to the City Council to Amend the Zoning Map from A-1 Agricultural to MD-3 Mixed Development. (Michael Maloy/City Planner)

[19:58:44](#)

10.1 **Mr. Maloy** advised that the purpose for this request is to amend the ordinance to be consistent with 1.02 acres of vacant MD-3 property located to the north and west of Mr. Lucas's property. The purpose for the request is to facilitate future mixed use development of both parcels, which combined measure 1.56 acres. **Staff recommends approval of this Zoning Amendment Application #4Z05.**

10.2 **APPLICANT ADDRESS:** **Jack Lucas.** **Mr. Lucas** commented that the application for rezoning to MD-3 was conducive to the General Plan. The MD-3 zoning also allows for a professional office. With regard to traffic flows, residential units allow for eight trips per day per unit, whereas a dental office would generate approximately 50 trips per thousand square feet. The potential of 40% of the site being occupied by a building, could result in an incredible number of trips associated with what would still be an approved use. He felt that with the residential proposal, it would minimize the traffic impact greatly.

10.3 **SPEAKING:**

1. **Margaret Player** [20:06:15](#). **Mrs. Player's** concerns were the increase in traffic on an already overcrowded piece of road. She was aware that only the zoning issue would be decided this evening but was still concerned over what was proposed to go in there. She preferred some type of low impact business use there, preferably something that would not be open during the evening and weekends rather than high density housing.

2. **Fred Abernathy** [20:14:52](#) **Mr. Abernathy** (adjoining property owner along the west boundary line), expressed concern about traffic safety issues. He also felt that he was being negatively impacted with lower property values and would return to speak when this proposal comes before the Commission in the future.

3. **Mike Stout** [20:16:58](#). **Mr. Stout** expressed apprehension that the City Council had overturned the Commission's recommendation reference the General Plan amendment for this property, and wanted to make sure

that the Commission didn't just vote to pass this because of frustration in possibly being overturned again. **Mr. Stout** felt that lower density single family dwellings would work well on this site and asked the Commission to stick with that recommendation and not give in to what was perceived as City Council pressure.

4. **David Sperry** 20:20:44. **Mr. Sperry** also asked the Commission not to give in to City Council pressure because the proposed use is not appropriate for this area.

5. **Chet Nichols, 1585 W. Gaylawood Circle.** 20:22:58 **Mr. Nichols** is an investor in the project and felt this development would not significantly impact the traffic problems in the area. He offered to host a meeting with the neighbors to share ideas.

6. **Karen Ascebe** 20:25:27 (Lives in Cannonwood Subdivision across the street). **Mrs. Ascebe** commented that the proposal was for a large number of town homes to be placed on just 1.6 acres. She felt that single family residential would be a better fit for the area and less impact on an already over burdened traffic problem.

10.4 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION.**

10.5 **DISCUSSION:** 20:26:52 **Commissioner Calacino** recommended to the Commissioners that they think about adding zoning conditions to possibly limit the types of uses allowed. 20:27:18 **Commissioner Newton** said that the Commission does not make the decisions on widening roads or traffic, just makes recommendations to the City Council. The Commission does, however, have to follow the guidelines of the General Plan and can't just arbitrarily make decisions. The General Plan includes this site as part of the mixed use area. She did not like the proposed plan as laid out but did agree with the mixed use designation. 20:28:41 **Commissioner Rushton-Carlson** added that the Commission cannot do anything to change traffic that is already there but felt adding zoning conditions might be a good suggestion. 20:29:42 **Commissioner Jensen** stated that he has lived in that area and experienced first hand the traffic grid lock. He was of the opinion that the City Council would make it worst by adding town homes in that area and disagreed with the MD-3 designation. His choice would also be single family residences.

10.6 **MOTION:** 20:31:14 **Commissioner Hallstrom** - In view of trying to move this along, in looking at all the permitted and conditional uses in the MD-3 zone, it appears that the ones that will in fact encourage traffic are all retail sales types of operation such as barber shop, beauty shop, china or silver shop, coffee service, gift shop, etc., therefore, I would make a motion for approval of the application as submitted for MD-3, with a zoning restriction that all retail sales would be excluded. 20:32:04 Residential is a permitted use in this particular zone. It seems like the applicant is pushing to do residential type uses. In trying to minimize the amount of traffic generated through the use of the MD-3 zone, I think that eliminating all retail sales operations would help to accommodate that.

SECOND: Commissioner Newton

VOTE: Commissioner Overson	AYE	Commissioner Hallstrom	AYE
Commissioner Newton	AYE	Commissioner Smith	AYE
Commissioner Jensen	NAY	Commissioner Rushton-Carlson	AYE

Motion passes 5 to 1.

11. 6Z05 **Mr. Gary Penrose (G&R Carpets), 6300-6310 South Redwood Road** –
Recommendation to the City Council to Amend the Zoning Map from MD-1 to C-2.

(Mr. Maloy/City Planner)

20:33:53

11.1 **Mr. Maloy** advised that this proposal is for a .71 acre piece of property. The applicant is the owner of a carpet sales and installation business located presently at 4973 S. Redwood Road. He wishes to expand his business and relocate into a larger building. To accomplish that objective, the applicant purchased these properties which are currently zoned MD-1 Mixed Development, however, the current zone does not allow retail sales of carpet, warehousing or storage of construction equipment. The applicant has filed this zoning amendment to facilitate his development plans for his new building. On April 6, 2005, the Taylorsville City Council voted unanimously to grant approval of a General Plan Map Amendment for this site, which changed the designation for this property from Mixed Use to Community Commercial. Based on that decision and according to the Taylorsville General Plan, the applicant's zoning amendment applicant is consistent with the land use designation adopted by the Council in Ordinance 05-16. **Staff recommends approval of this zoning map amendment, however, recommendation to approve the zoning amendment does not vest the applicant or the property with any development rights without further review and approval by the City, nor does it imply Planning Commission approval of the conceptual development plans.**

DISCUSSION: **Commissioner Calacino** commented that the General Plan has recently been changed to reflect a different use than was originally intended and now there is a zone change. There is no abutting C-2 zones and wondered why that would not constitute a spot zone. [20:38:37](#) **Mr. Maloy** advised this was recently discussed and was addressed in the LUDMA concept. The understanding was if the rezone request is consistent with the underlying General Plan, it cannot technically be considered a spot zone because the General Plan is being followed. [20:39:20](#) **Mr. McGrath** commented that under the LUDMA concept spot zones may be considered for planning practice but are not technically illegal

11.2 **APPLICANT ADDRESS:** **Gary Penrose.** [20:39:53](#) **Mr. Penrose** advised that he bought the property with the idea of moving to this site and establishing a retail outlet with a small storage area. The design of the site has been changed somewhat. On the zone change, this is the last piece of property and the way it is angled, it is impossible to use it for anything other than developing it. His architect has an idea to use the footprint to make it possible/functional for this type of business. The possibility has also been discussed with Staff working with a PUD concept to make it more acceptable to the City Planners

11.3 **SPEAKING:** None.

11.4 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION**

11.5 **MOTION:** [20:43:50](#) **Commissioner Rushton-Carlson** - I would move that we approve File #6Z05 for favorable recommendation to the City Council from MD-1 Mixed Development to C-2 Commercial. In that approval, we limit the uses on that property to office, retail storage, commercial PUD, restaurant but no drive through restaurant. [20:44:34](#) **Commissioner Hallstrom** - Under the storage it should say "accessory" storage. **Commissioner Newton** - One reason why we talked about this is because this would be the only C-2 zoning in that little strip between 6200 South and the City boundary so we want it to fit with the other office uses in there.

SECOND: [20:44:58](#) **Commissioner Hallstrom**

Commissioner Calacino [20:45:07](#)- The motion is to recommend approval of the rezone from MD-1 to C-2 with the zoning condition to limit the uses to office, retail, restaurants but no drive through restaurants, accessory storage uses but not primary storage uses, and PUD.

VOTE: **Commissioner Overson** AYE **Commissioner Hallstrom** AYE
Commissioner Newton AYE **Commissioner Smith** AYE
Commissioner Jensen AYE **Commissioner Rushton-Carlson** AYE
Motion passes unanimously.

CONDITIONAL USES

12. 13C05 **Mr. Art Pasker (PGA&W Architects), 6289 S. Redwood Road** – Office Building.
(Mr. Maloy/City Planner)

[20:45:55](#)

12.1 **Mr. Maloy** oriented on the site plan, aerial map and images. The applicant has submitted an application for final approval of a conditional use permit to construct a 37,800 square foot professional office building on 1.91 acres of vacant property. The proposed development is located within a MD-3 Mixed Development zone. The final site plan is a mirror image of the existing building, however, the proposed two-story building is larger than the existing building due to additional building depth. The applicant has reduced the size of the building by 1,450 square feet from the original size of 39,250 square feet. In addition to the reduction in building floor area, the applicant has stated that two of the doctor's in Building A are working part-time and are preparing for retirement, which explains why there are six dental suites with a total of eight doctors. Other notable changes made to the preliminary site plan include: (1) A sidewalk has been added along the south side of Building B; (2) The site plan includes a 40 foot wide common drive approach, which allows for three lanes of travel (widening of approach has received UDOT approval); and (3), the double roundabout has been consolidated into one common landscape island to reduce vehicle conflicts. **Staff recommends final approval of CUP #13C05, while maintaining the following Planning Commission conditions of preliminary approval:**

General Conditions

1. Receive approval from and remain compliant with all applicable agencies and departments of the City (i.e., City Engineer, Unified Fire Authority, etc.).

Site Plan Elements

2. Applicant shall submit for Staff approval a landscape construction plan. Landscape plan shall contain plant species, quantities and sizes. Applicant is encouraged to select a mixture of plants and trees to create variety and seasonal colors within plant beds. Additionally, the final landscape plan shall:

- Comply with all requirements of the MD-3 Zone;
- Include additional landscape buffer trees (where needed) for screening along the property line;
- Contain construction details for irrigation system. Applicant is encouraged to design a system that controls and conserves the use of water;
- Provide adequate screening for all ground based and wall mounted utilities; and;
- Trees shall have a minimum caliper size of 2 inches.

3. Pedestrian intersections with driveways and aisles shall be compatible with ANSI standards for ramp construction.

4. Drive approach shall be designed with two lanes for egress (left out, right out) and only one lane for ingress, as per Mr. Tosh Kano, Interim City Engineer.

5. Applicant shall submit cut sheet specifications on all exterior lighting elements and accommodate pedestrian elements as well as vehicle parking. Cement light bases should be minimally exposed when located within landscaped areas.

6. Trash dumpster shall be constructed of materials compatible with office building and use an opaque swinging gate (i.e., not chain-link fencing with slats). For building permit approval include product specification sheet or construction sheet for dumpster gate detail.

7. Applicant must provide to the City a document identifying the location of all required cross-access easements and a shared parking agreement. Upon approval by the City, the applicant shall record said document and provide proof of recordation.

8. Submit specifications on site furnishings plan. Outdoor furniture (i.e., benches, waste receptacles, bike racks, etc.) shall be compatible in design with building architecture. Provide location details on construction documents for all outdoor furnishings.

Building Architecture

9. Building B colors and material palette shall match Building A and are subject to Planning Commission approval. Variations from this approval shall require a CUP amendment from the City prior to installation.

10. Building mounted lighting shall use downward cast lighting (i.e., no outward shining wall packs). The use of lighting that illuminates or accents building architecture is encouraged.

12.2 **APPLICANT ADDRESS:** Art Pasker, Architect, was present to answer questions.

12.3 **SPEAKING:** None.

12.4 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION.**

12.5 **MOTION:** 20:49:46 Commissioner Newton – I move that we approve File #13C05 with staff recommendations, adding under #2 (site plan element), for the Staff to approve the landscape plan, since we have not been able to adequately cover that.

SECOND: Commissioner Overson.

DISCUSSION: Commissioner Hallstrom - 20:50:09 Clarification. As I understand it, the landscaping plan has been submitted, it just has not been totally reviewed. We have not reviewed it nor are accepting it and staff will complete the review. Commissioner Newton - If there is a problem between staff and the applicant, then it will be brought back to the Commission for action.

VOTE: Commissioner Overson

AYE

Commissioner Hallstrom

AYE

Commissioner Newton

AYE

Commissioner Smith

AYE

Commissioner Jensen

AYE

Commissioner Rushton-Carlson

AYE

Motion passes unanimously.

13. 15C05 **Hawes, Brubaker, Neider, LLC, 4541 South Atherton Drive** – Retail Office
Commercial PUD (Preliminary). (Dan Udall/City Planner) and Michael Maloy

[20:51:08](#)

13.1 **Mr. Maloy** oriented on the site plan, aerial map and images. The applicant is proposing a retail-office planned unit development on the southwest corner of 4500 South and Atherton Drive. The proposal is for a 7,200 square foot one-story retail building and a 40,016 square foot two-story office building. The property is 3.1 acres and is zoned C-2/zc. The zc or zoning condition does not allow automobile service stations on the site. Planned unit development projects require a conditional use permit. City owns the property and negotiated with Hawes, Brubaker. **Commissioner Hallstrom** [20:52:35](#) commented that the Commission is more critical about City property, which relieves the perception about potential bias. [20:53:21](#) **Mr. Maloy** added that this parcel has already received approval for the subdivision on the consent agenda this evening and the Commission is now reviewing the Conditional Use Permit for the retail center. Staff is supportive of the amended site plan under review this evening. The applicant appears to be willing to work with Staff to make this site plan work. [20:56:02](#) **Commissioner Overson** had a question about the landscaping strip between the building and 4500 South and wanted to know if there were an agreement with UDOT in place because previously maintenance of landscaping has not been UDOT's responsibility. [20:56:46](#) **Mr. Maloy** advised it was correct that UDOT will require a landscape maintenance contract with these owners. That is the only way they will allow it to be planted and maintained. Or it would simply be kept in field grass and mowed by UDOT. [20:57:23](#) **Commissioner Calacino** expressed interest in the developer adding a better pedestrian activity between the buildings. [20:57:52](#) **Mr. Maloy** advised that the developer is trying to satisfy their client by having the office element of the project stand alone. That complicates the pedestrian access between the two parcels. They will, however, upgrade the sidewalk along Atherton Drive.

13.1.1 **Staff recommends approval of the preliminary conditional use application with the following findings:**

1. The proposed project with conditions meets the current general plan.
2. The proposed project with conditions meets the zoning ordinance.

13.1.2 **Staff recommends approval of the preliminary conditional use application with the following conditions:**

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That site lighting is designed to be oriented from shining upon any adjacent residences.
3. That lighting, walls, colors, building materials, etc., match or compliment the overall design of the project.
4. That site receives storm drain approval from City Engineering and that any storm drain fees are submitted to the City.
5. That any signage must comply with City Sign Ordinances and be reviewed by the Planning Commission.
6. **[Correction]** That a final landscaping plan be provided for final conditional use approval. That all deciduous trees on site should be ~~2-4~~ **2"** caliper and evergreen trees are a minimum of 6' high.
7. That the space between the north property line and the existing asphalt along 4500 South is landscaped in accordance with the approved landscaped plan. Provide a signed landscape maintenance
8. That a pedestrian connection be provided between the two buildings.
9. That cut sheets or specifications are provided for the light fixtures and site furnishings.
10. That the dumpster enclosures are sufficiently screened by landscaping and compatible with the architecture of the main buildings.
11. That accessible handicapped ramps are integrated into the sidewalks.
12. Provide a cross access easement agreement allowing traffic traveling on both parcels.

13. That any mechanical equipment at ground level is screened by a 6-foot high wall that matches the colors, building materials and architecture of the building.

14. That any mechanical equipment on the roof of the building is screened or positioned so that it is not visible from ground level.

13.2 **APPLICANT ADDRESS:** [20:59:51](#) **Gerald Neider** commented that he felt this is a project that conforms with the General Plan and vision of Staff for this parcel. He advised that the anchor business that will be moving into this structure is Future Vision Technologies and will employ about 80 people in Utah. Other retail spaces will be leased to tenants as they come on board.

13.3 **SPEAKING:** None.

13.4 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION.**

13.5 **DISCUSSION:** **Commissioner Calacino** indicated that he felt the site plan still needs more work to provide better pedestrian access between the two buildings, along with vehicular and pedestrian circulation throughout the site.

13.6 **MOTION:** **Commissioner Hallstrom 21:03:44** - I would move for approval in accordance with staff recommendations and adopt the Chairman's recommendation to provide a safe pedestrian access between the two buildings. The design is interesting and unique and they are trying to provide circulation and have a whole lot going for them on this parcel.

SECOND: **21:04:48 Commissioner Rushton-Carlson.**

DISCUSSION: **Commissioner Jensen** suggested adding an amendment to Staff recommendation #6, which says 2' caliper trees. Change that to read 2" caliper trees.

Commissioner Hallstrom felt that was a typographical error and did not require an amendment because everyone understood it was 2" and not 2' caliper trees. **21:05:09.**

VOTE: **Commissioner Overson**

AYE

Commissioner Hallstrom

AYE

Commissioner Newton

AYE

Commissioner Smith

AYE

Commissioner Jensen

AYE

Commissioner Rushton-Carlson

AYE

Motion passes unanimously.

SUBDIVISION

14. 9S05 **Mr. Tim Gough (Gough Construction – Developer), 6345 S. 1460 W.** - 12-Lot Residential Subdivision. (Michael Maloy/City Planner)

[21:07:04](#)

14.1 **Mr. Maloy** oriented on the site plan, aerial map and images. Mr. Tim Gough has submitted an application to subdivide four existing residential parcels into 12 new buildable lots. The subdivision will be served by constructing a new cul-de-sac that will extend northward from Connie Way (6345 south). All existing structures contained within the proposed subdivision boundary will be demolished except for the Verion Smart residence, which is a large brick rambler located at 6320 South Coral Drive (1400 West). Lot #12 is a flag shaped parcel due to a frontage situation being created by the existing Lot #13. Staff is concerned about how that will be addressed in the final plat. **Commissioner Hallstrom** commented that there is no question but what the lot line between Lots 12 and 13 has to be radial to the street, just like any standard subdivision and in accordance with Taylorsville's Subdivision Ordinance.

14.1.1 **Findings of Facts:**

1. Proposed development complies with the current Taylorsville General Plan Map.
2. Proposed subdivision complies with minimum area requirements of the A-1 Zone.
3. Preliminary subdivision plat reasonably demonstrates the viability of subdividing the subject property in a manner that would be compliant with development requirements of the City.

14.1.2 **Staff recommends approval with the following conditions:**

1. Application must receive approval from all applicable review agencies of the City (i.e., City Engineer, Unified Fire Authority, Taylorsville-Bennion Improvement District, etc.), prior to recordation.
2. **[Deleted by Motion]** ~~Under the authority of the Planning Commission, staff shall administrate final review of the subdivision plat.~~
3. Applicant shall design and submit an engineered storm drainage master plan that is acceptable to the City Engineer or contracted designee (i.e., Tosh Kano, Sunrise Engineering).
4. Applicant shall provide for technical review setback measurements from property lines of adjacent, existing structures.
5. Applicant shall provide street name and property addresses for each parcel included in the plat.
6. Applicant shall contact Salt Lake county Recorder's Office and verify record-ability of the subdivision plat (including proposed subdivision name) prior to final submission of the subdivision plat to be recorded.
7. Applicant shall pay all required fees prior to final approval of the subdivision plat including the existing Verion Smart residence at 6320 S. Coral Drive (1400 West).
8. Applicant shall include on final plat all parcels affected by subdivision plat including the existing Verion Smart residence at 6320 S. Coral Drive (1400 West)
9. Developer shall be responsible for the installation of all public improvements including the planting of 2 inch caliper (minimum) park strip trees. Park strip tree species shall be approved by staff. Trees shall be planted 25 foot centers. Spacing may be adjusted due to species selection or conflicts with public improvements such as meters, hydrants, street lights, or drive approaches but may not be reduced in number.
10. Street lights shall be located in an alternating pattern along both sides of proposed streets.
11. **[Added by Motion]** That the developer works out the issue of the 10' strip of land.

14.2 **APPLICANT ADDRESS: Blaine Gough, 8186 S. 1300 W.** **Mr. Gough** indicated he would reserve comments to answer any questions. [21:10:37](#) He said there were still a couple of things they needed to work through and a couple of things have changed. In reference to Commissioner Hallstrom's comment, Lot #13 is an existing residence. The reason the space was created was to accommodate enough footage to meet the ordinances and give the existing residents a nice buffer. Mr. Gough has met with the property owner involved (Mr. Ryder) and offered to relocate their fence and totally re-landscape the side yard. Mr. Ryder informed Mr. Gough that was not interested in acquiring the extra land involved in doing that and so the new proposal would be to include the strip of land as part of Lot #12 and put a requirement on the developer to totally landscape that. [21:12:33](#) Another option would be to maybe put in a Home Owner's Association. The agreement reached between that property owner and Mr. Gough was to add that 10' strip of land to Lot #12 and install a solid vinyl fence. **Commissioner Hallstrom** suggested that the street be increased by the 10' width. [21:14:20](#) Mr. Gough advised that by widening the street it would create a non-conforming side yard requirement, which is 20' at the corner. [21:14:42](#) **Commissioner Newton** wanted Staff and the applicant to work on reaching some kind of agreement with Mr. Ryder because she felt it did not make sense to add it to Lot #12 nor create a Home Owner's Association for a 10' wide strip of land. [21:15:49](#) **Commissioner Hallstrom** said he objected to the notion that the Planning Commission is in a position to help the developer plan his subdivision. The Commission needs to see a proposal from the developer that can be voted up or down. As it stands, the 10' strip is definitely in violation of the Subdivision Ordinance.

14.3 **SPEAKING:**

14.3.1 **Terri Christopherson** (Lives on Coral Drive). [21:16:49](#) She will be directly affected by the traffic coming down her road and was concerned about the number of homes being 12. She asked that a traffic study be conducted to verify the impact of that increase in traffic. [21:17:59](#)

14.3.2 **Don Johnson** [21:18:10](#) (Lives in Cannonwood Subdivision). His back yard is adjacent to Lot #5. He had concerns about the increase in traffic/congestion, about displacing the animals on this tract of land and about the drainage, especially since there is an irrigation ditch right behind his property. If the development is approved, he asked that a nice vinyl fence be placed around the property. [21:19:20](#).

14.3.3 **Mike Stout** [21:20:02](#). **Mr. Stout** agreed with the proposed concept and said that everyone has property rights but had concerns about the 10' strip and the number of units that could go in there. He wondered about the topography of the parcel and was in favor of single family dwellings instead of town homes.

14.3.4 **Peggy Hanson** [21:22:51](#) (Lives in Cannonwood Subdivision). She would like to see all the weeds and garbage cleaned up.

14.3.5 **Eugene Rich, 1501 W. 6235 S.** [21:23:04](#) **Mr. Rich** has lived in his present home since 1959. His concern was about the water rights and said the ditch should be piped and covered. He added that there is also storm water that empties into that ditch from Cannonwood Subdivision. Another problem for him also pertaining to drainage issues was the different ground levels and he didn't want the problem of the water from this project draining onto his property. He also addressed the traffic congestion and felt this project would ultimately add to that problem.

14.3.6 **Ted Vanderlinden, 1455 W. 6235 S.** [21:27:09](#) **Mr. Vanderlinden** advised that Lot #9 borders his back yard. He had questions regarding drainage towards his home, the privacy fence and the inconsistent sizes of lots.

14.3.7 **Amy White** [21:35:45](#) (Owns Lots 202 and 203 on Connie Way). She asked that a vinyl fence be included around her property.

14.4 **APPLICANT READDRESS** (Commissioner Calacino commented that most issues being discussed were engineering problems, which would be dealt with during the technical review and must be signed off on by the City Engineer and Building Departments). **Mr. Gough** [21:29:52](#) advised that when his company built the Cannonwood Subdivision, they installed an 18" storm drain pipe that runs clear down to 1300 West. The contract for purchase of this site contains a 20' easement and there will be catch basins installed to retain all storm water. The system is in place to control the storm water and the irrigation ditch will be dealt with properly. [21:32:44](#)

14.5 **DISCUSSION:** [21:36:59](#) **Commissioner Hallstrom** commented on traffic issues saying that generally County-wide, north and south routes are excellent, however, the east and west corridors remain terrible. The problem is City-wide and not just this area and only time will resolve these issues. **Commissioner Calacino** reminded the audience that most items discussed as concerns of the neighbors will be handled during technical review of the site.

14.6 **CLOSURE OF PUBLIC HEARING AND DISCUSSION OR A MOTION.**

14.7 **MOTION #1: Commissioner Hallstrom** - I make a motion to table this application until it gets fixed. [21:41:22](#). Then bring it back. This means the land strip at the corner on Lot #13 needs to be removed and better planned. The drainage needs to be clarified altogether, including the ditch, which cannot be left open and must be piped. The storm drainage has to be provided for to get it into a system in accordance with the City Drainage Engineer requirements. All of the County Departments will have to be considered and approvals obtained from them.

SECOND: Commissioner Overson

DISCUSSION: Commissioner Newton - I'm looking at staff recommendations and first of all we are only at the preliminary stage, and under #3, they have on here that the applicant shall design and submit an engineered storm drain master plan that is acceptable to the City Engineer and also, I think if we could just add another item that he could work out the 10' strip by the time he comes back for final, I don't see a reason why we need to delay him. [21:42:34](#) The overall plan is fine and the small details can be put into conditions. **Commissioner Hallstrom** - Mr. Chairman, I made a motion. **Commissioner Calacino** - That is correct. I will ask for the vote on the motion to continue this to our meeting on May 24, 2005 to allow the developer and staff to work out the issues which were noted.

VOTE:

Commissioner Overson AYE

Commissioner Hallstrom

AYE

Commissioner Newton NAY

Commissioner Smith

AYE

Commissioner Jensen

NAY

Commissioner Rushton-Carlson

NAY

(Because the vote ended in a 3 to 3 tie, **Commissioner Calacino** cast his vote as NAY.)

Commissioner Calacino - The reason being that I agree with Commissioner Newton in that Staff's conditions are adequate for this project and to allow the applicant time to work out the engineering issues that have been addressed tonight, i.e., drainage, ditch, fencing, strip issues. I believe the developer can work it out with Staff with Engineering and bring it back to

the Commission for final, demonstrating that they have done that. It won't come back to the Commission until they have done that.

14.8

MOTION #2: Commissioner Newton - I move that we approve File 9S05 for preliminary approval, with 10 staff recommendations, including the storm drainage master plan. I would also like to add #11 that the developer works out the 10' strip issue. I am not going to include the vinyl fence only because we don't require it of other developers. If he wants to do it to be a great neighbor that is fine but it will not be specifically listed as a condition.

SECOND: Commissioner Rushton-Carlson

DISCUSSION: Commissioner Jensen – Does that include the problem with the irrigation ditch?

21:46:02 Commissioner Calacino - That would be included under drainage issues. Mr. Maloy - Did Item #2 get changed. That was listed as handled by staff. Commissioner Newton - Thank you. Strike Staff condition #2. Commissioner Jensen - I would like to see if they could recommend possibly xeriscaping that 10' so it can be part of Lot #13. That would make it maintenance-free. Commissioner Newton - I would rather let them work it out with that resident. I don't want to be too specific. Commissioner Calacino - Then it is not an official condition of the motion but it is a suggestion to the applicant. We have a motion to grant preliminary approval of the subdivision with the findings and conditions by staff, with an added condition that they work out the 10' strip along existing Lot #13 of the Contoy Estates Subdivision and also striking Condition #2 which would allow staff to handle final review. This will be brought back to the Planning Commission once the issues are resolved.

VOTE:

<u>Commissioner Overson</u>	NAY	<u>Commissioner Hallstrom</u>	NAY
<u>Commissioner Newton</u>	AYE	<u>Commissioner Smith</u>	AYE
<u>Commissioner Jensen</u>	AYE	<u>Commissioner Rushton-Carlson</u>	AYE

Motion passes 4 to 2.

DISCUSSION ITEM

21:47:50

15. **Discussion of Planning Commission Policies and Procedures.** 21:48:38 This was addressed in pre-meeting where Planning Commissioners expressed support for the draft submitted by Staff and recommended forwarding it to the City Council for approval.

CITY COUNCIL MEETING REVIEW: No Commissioner was able to attend.

ADJOURNMENT: By motion of Commissioner Hallstrom, the meeting was adjourned at 21:49:32.

Respectfully submitted by:

Jean Gallegos, Administrative Assistant to the
Planning Commission

Approved in meeting held on June 28, 2005

